IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6347 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

G S R T C

Versus

F A MALEK

Appearance:

MR HARDIK C RAWAL for Petitioner No. 1

MR SN SHELAT for Petitioner No. 1

MR RV DESAI for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 19/10/2001

ORAL JUDGEMENT

The learned counsel for the petitioner fairly conceded that by now the respondent has already retired on attaining the age of superannuation and he has been paid the retiral benefits also. It is also clear from the perusal of the impugned award that the Labour Court has, in exercise of the powers conferred upon it under Section 11-A of the Industrial Disputes Act, interfered

with the punishment and awarded the lesser punishment of reinstatement without backwages.

2. There being no jurisdictional error and in the special facts and circumstances and the petitioner having already retired, it would not be in the interest of justice to reopen and examine the issue of propriety of punishment as modified by the Labour Court and therefore following the ratio and reasoning in the judgment of the Apex Court in Karnataka State Road Transport Corporation Vs. B.S. Hullikatti - reported in (2001) 2 SCC 574, the petition is dismissed and Rule is discharged with no order as to costs.

rmr. [D.H. Waghela, J.]